

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

SEPTEMBER 21, 2015

KENDALL-DEAN SCHOOL AUDITORIUM

6:45 P.M.

OPEN FORUM

Ironstone Street

Mr. Daniel Lepore, the lone resident of Ironstone Street, explained that since the street became one-way in April cars are still travelling the wrong way at high speeds. He offered some suggestions and asked the Council for assistance.

Joseph Cardello commented that he thought the town should get an opinion from a licensed engineer as this is a public road.

Mr. Zwolenski asked that this be brought to the attention of the Town Administrator as she is the Public Safety Director and hopefully she can facilitate this.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote at 6:57 P.M. to extend the Open Forum.

Agenda Items

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on an aye vote to move up certain agenda items as soon as possible at the request of Michael Clifford.

REGULAR MEETING

The meeting began at 7:03 P.M. with the prayer and the pledge to the flag. Council members present were Mrs. Nadeau, Mr. Soly, Mr. Zwolenski and Mr. Boucher. Ms. Alves was away on a personal family commitment. Also in attendance was Town Solicitor Igliozi. Town Administrator Hamilton was unable to attend due to a family matter.

BACON AND EDGE REPORT

Budget Committee Chairman Michael Clifford had previously asked for a joint meeting with the Town Council, the Budget Committee, the School Committee, the Superintendent of Schools, the School Department Business Manager and Mr. Walter Edge. It was later learned that Superintendent Lindberg, Business Manager Lisa Marcotte and Mr. Edge would not be available to attend on the date that had been chosen.

Mr. Clifford feels there is some debate as to fund balances and rental revenue and he would still like to set a meeting.

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MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to send letters to Superintendent Lindberg, Business Manager Lisa Marcotte, all School Committee members and anyone else they may want to invite requesting them to attend a joint meeting with the Town Council and the Budget Committee potentially on October 26, 2015 and if that date is not feasible then include a

request that an alternate date be provided. Mr. Zwolenski would like to seek answers as to why it was claimed there was a school department deficit when in reality there was a surplus.

STATUS OF SCHOOL BOND

Mr. Clifford had concerns as to how this bond will be repaid. The initial plan was that this bond would be ready by April of this year to go before bond counsel and get issued this year to be on the town's books for next year when there would be a huge influx of new revenue from National Grid that would cover the bulk of the bond payment. It does not appear that will happen because there was an increase of \$1.6

million in expenditures added to it. The Department of Education did not approve the plan because it was an incomplete application and didn't match the voter approval.

The school plan is now part of a new approval process by RIDE and Mr. Clifford does not see obtaining approval in this fiscal year.

In addition, Mr. Clifford stated that in 2018 the school department will lose the increases in state aid because the funding formula will have been fully implemented and the town will begin to depreciate National Grid tangibles. Taxes will have to be raised just to compensate the losses from National Grid. He feels there needs to be a fiscal impact

presentation. One idea was to reduce the amount of the school bond to \$3.3 million and have the school department add in their \$1 million surplus or perhaps to reconfigure some of the school plans.

Joseph Cardello, Chairman of the Public Buildings Improvement Commission, stated that a letter of intent does have to be submitted by October 1st notifying RIDE that the town is going to build something. Reconfiguration of plans can still be done.

Mr. Zwolenski would like to know if an application to RIDE regarding school construction is going to be made by October 1st and will the Town Council be allowed to see the application.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to include the status of the school bond on the agenda of the joint meeting on October 26, 2015.

PROHIBITING ELECTED/APPOINTED OFFICIALS FROM DOING BUSINESS WITH THE TOWN

Mr. Clifford feels there should be a town ordinance prohibiting people who serve on boards from entering into contracts with the town.

Mr. Boucher noted that he has already asked the Town Solicitor to draft such an ordinance that should be ready for a first reading by the next meeting.

Mr. Soly did not feel the ordinance should pertain to employees of companies.

SCHOOL DEPARTMENT FUND BALANCE

At a meeting held some time back, Mr. Clifford stated the School Department Solicitor advised that Town Council approval is necessary for the School Department to spend surplus funds. Apparently there may have been a recent ruling to the contrary. Mr. Clifford said the Budget Committee had never been advised that an opinion had been requested by School Department Solicitor Ben Scungio of the Rhode Island Department of Education and were not aware that an answer had been given until quite some time afterward. Mr. Clifford wondered if the Town Council was aware that an opinion was sought and an answer given.

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MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to have the Town Solicitor take the lead on advising the Town Clerk on crafting a letter from the Town Council to the School Committee to get a copy of the written advisory opinion requested by Attorney Scungio and to reiterate that the School Department should refrain from spending any surplus funds until the situation is resolved.

REQUEST FOR PROPOSALS RE: ENGINEERING AND CONSULTING

SERVICES FOR ROAD IMPROVEMENTS

MOTION by Mrs. Nadeau, seconded by Mr. Boucher and Mr. Soly, and voted 4 to 0 on a roll call vote to move this item up next on the agenda.

Public Buildings Improvement Commission Chairman Joseph Cardello stated that requests for proposals had been sent to three engineering consultants.

Mr. Cardello suggested that the contract for Pare Corporation first be reviewed by the PBIC and then be brought to the Council for approval.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to send a letter to Pare Corporation as the apparent low bidder for engineering and consulting services for the North Smithfield road improvements and adverse letters to the other two bidders. The contract will be reviewed by Mr. Cardello and the other PBIC members before being forwarded to the Town Council.

EXECUTIVE SESSION

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to enter into executive session at 8:29 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss 1.) Kimberly Enterprises Inc. vs NS Zoning Board PC 2012-4822 and 2.) SolBright Renewable Energy, LLC

vs North Smithfield PC No. 2015-3585.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote at 9:57 P.M. to come out of executive session.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to note that one vote was taken in regards to Kimberly Enterprises Inc. vs NS Zoning Board PC 2012-4822 and to seal the minutes because it is a legal issue.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote at 9:58 P.M. to come out of executive session in regards to SolBright Renewable Energy, LLC vs North Smithfield PC No. 2015-3585, potential litigation and the Nicholson report and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote at 9:59 P.M. to extend the meeting to 10:30 P.M.

ZONING ORDINANCE AMENDMENT SECTION 6.18 SPECIAL FLOOD HAZARD AREAS AND FLOOD FRINGE LANDS

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to accept zoning ordinance Section 6.18 as presented by Town Planner Robert Ericson as a second reading.

PARTNERSHIP FOR RHODE ISLAND STREETLIGHT MANAGEMENT (PRISM)

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve No. 2 on the document dated September 8, 2015 from Partnership for Rhode Island Streetlight Management in the amount of \$12,000 for the audit, No. 3 in the amount of \$1,000 for the design, No. 5 in the amount of \$500 for the Final Streetlighting Plan and No. 6 which indicates the total amount due of \$13,500 and to authorize the Town Administrator to sign the document.

2nd READING ORDINANCE AMENDMENT PUBLIC BUILDINGS IMPROVEMENT COMMISSION

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, Mr. Zwolenski and Mr. Soly and voted 4 to 0 on a roll call vote to approve this ordinance for a second reading.

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This ordinance amends the composition of the commission to at least seven voting members.

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on an aye vote at 10:29 P.M. to extend the meeting to 10:35 P.M.

APPOINTMENT TO PUBLIC BUILDINGS IMPROVEMENT COMMISSION
MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint Arthur Bassett. He will serve as the School Committee member.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint Jason Parmelee.

PEER REVIEW OF STUDIO MEJA CONTRACT

Mrs. Nadeau presented an agreement from Davison and Associates LLC for peer review at a cost of \$200 per hour.

MOTION by Mrs. Nadeau to approve this agreement. There was no second. Council members were uncomfortable with voting on this as they just received the agreement this evening.

CONSENT AGENDA

Mr. Zwolenski asked that the payment of bills and the Town Council minutes be held out.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote to accept and place on file the following: 1.) Ad Hoc Ordinance Review Committee minutes of July 30, 2015; 2.) Budget Committee minutes of June 6 and August 20, 2015; 3.) Conservation Commission minutes of June 9 and August 11, 2015; 4.) Conservation

Commission 2014 Annual Report; 5.) Personnel Board minutes of December 8 and 29, 2014 & March 9 and May 11, 2015; 6.) Animal Control monthly report for August 2015; 7.) NSF&RS Inc. monthly report for August 2015; 8.) NS Municipal Court monthly report for August 2015; 9.) NSPD monthly report for August 2015; and 10.) Resolutions in Support of the Quonset Air Museum from the cities of Cranston, Newport and Pawtucket and towns of Charlestown, Foster, Hopkinton, Jamestown, Little Compton, Warren and West Greenwich.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to carry forward the payment of bills and approval of Town Council minutes.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to adjourn at 10:36 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk